



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

LCC:ddj  
Docket No: 7176-99  
16 May 2000

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 16 May 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by CMC memorandum 1400/3 MMPR-2 of 12 April 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosure



DEPARTMENT OF THE NAVY  
HEADQUARTERS UNITED STATES MARINE CORPS  
MANPOWER AND RESERVE AFFAIRS DEPARTMENT  
HARRY LEE HALL, 17 LEJEUNE ROAD  
QUANTICO, VIRGINIA 22134-5104

IN REPLY REFER TO:  
1400/3  
MMPR-2  
12 Apr 00

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Subj: ADVISORY OPINION IN THE CASE OF [REDACTED]  
[REDACTED]

Ref: (a) MMPR-2 ltr 1400/7 of 29 Apr 96 to [REDACTED]  
(a) MCO P1400.32B (ENLPROMMAN)

1. [REDACTED] again requests that his service record be corrected to show that he was promoted to corporal prior to 1 May 1975, based on the correction to his promotion to lance corporal effective 1 January 1974. [REDACTED] suggests that, since his lance corporal date of rank was corrected to reflect 1 January 1974, he should have been promoted to corporal prior to 1 May 1975.

2. We reviewed the records provided pertaining to [REDACTED] military service. The records contain insufficient information or official documents for us to determine if he was eligible for promotion to corporal prior to 1 May 1975. Additionally, per reference (a), [REDACTED] lance corporal date of rank was corrected on 29 April 1996. Paragraph 2400 of reference (b) states that "any request for remedial consideration must be submitted within 3 years from the date of error or injustice. Requests made after this time will be returned without action." Mr. Davis' request does not meet this criterion. We recommend no further action be taken.

A. J. VAN STEENBERGEN  
Head, Enlisted Promotions  
Promotion Branch  
By direction of

The Commandant of the Marine Corps